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November 30, 2023

**VIA ECF**The Honorable Dale E. Ho  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007Re: *Mullen Automotive, Inc. et al. v. TD Ameritrade, Inc. et al.*, No. 1:23-cv-07647-AT  
Request for Extension of Time to File Amended Complaint

Dear Judge Ho:

This firm represents plaintiffs Mullen Automotive, Inc. and Ulysses Novoa in the above referenced action. Plaintiffs respectfully submit this letter pursuant to Individual Rule 2.e.i to request a short extension of time to file an amended complaint to allow for further time to investigate the factual assertions in Defendants' first set of pre-motion letters.

Plaintiffs' Complaint was filed on August 29, 2023 [Dkt. No. 1]. On September 13, 2023, before the time to respond to Plaintiffs' Complaint had expired, Defendants requested, with Plaintiffs' consent, an extension of time from September 21, 2023 to October 19, 2023 in order to exchange the first set of pre-motion letters required by your Judge Torres's Individual Rule III.B.ii [Dkt. No. 23]. Defendants' request was granted. On October 5, 2023, Defendants served their first set of pre-motion letters. After meeting and conferring with Defendants, Plaintiffs requested—with Defendants' consent—a 45-day extension until November 30, 2023 to amend their Complaint. That request was granted. On October 30, 2023, this action was transferred to Your Honor, and this Court issued an order providing that "all prior orders, dates, and deadlines shall remain in effect." [Dkt. No. 33].

We have been diligently investigating the factual assertions in Defendants' pre-motion letters and determining the appropriate response thereto but require a small amount of additional time and now request an 8-day extension to December 8, 2023 to the deadline to amend the Complaint.

Only one prior request for an extension—to November 30, 2023—was made, and that request was granted. Defendants consent to this extension, and the parties' next scheduled appearance before the Court is December 21, 2023, for an initial pretrial conference. [Dkt. No. 33]. This request is not expected to impact any other deadlines.

Warshaw Burstein, LLP

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Thank you for your consideration.

Respectfully submitted,

By: /s/ Alan M. Pollack

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*Attorneys for Plaintiffs Mullen  
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cc: All parties via ECF

Application GRANTED. Plaintiffs' deadline to file an amended complaint is hereby extended to **December 5, 2023**. Plaintiffs shall attach as an exhibit to the amended complaint a redline showing all differences between the original and revised filing. Plaintiffs are advised that per Individual Rule 2(e)(ii), absent an emergency, any request for extension shall be made as early as possible, and at least two business days before the deadline.

SO ORDERED.



Dale E. Ho  
United States District Judge  
Dated: December 1, 2023  
New York, New York